

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: 6/17/08

D.B. ZWIRN SPECIAL OPPORTUNITIES FUND, L.P.,
a Delaware limited partnership, in its separate capacities
as Asset Based Collateral Agent, Tranche A Collateral
Agent and Tranche B Collateral Agent,

Plaintiff,

-against-

DEL CASTELLO GALLERY, INC. (f/k/a MDC
Vacuum Products Corporation), a California Corporation,
and MICHAEL DEL CASTELLO

Defendant.

08 CV 3044

NOTICE OF DISMISSAL
WITH PREJUDICE

TAKE NOTICE that Plaintiff D.B. Zwirn Special Opportunities Fund, L.P. dismisses this
action with prejudice pursuant to Rule 41(a) (1) (i) of the Federal Rules of Civil Procedure;
provided however that the Court shall retain jurisdiction of this matter to enforce the terms and
provisions of that certain confidential Settlement Agreement between the parties, dated May 7,
2008, which shall survive the discontinuance of this action.

Dated: New York, New York
May 12, 2008

LATHAM & WATKINS LLP

By: George Royle V

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*The court declines to
retain jurisdiction to
enforce a non-judicial
document.*

6-17-08
[Signature]